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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,515	06/07/2001	Robert J. Davies	GB 000109	9201
24737	7590	10/19/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LE, KAREN L	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/876,515

Applicant(s)

DAVIES ET AL.

Examiner

Karen L. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn et al. (U. S. 6,782,253) in view of Evans et al (U.S. 6,311,060).

Regarding claims 1, 8, 10 and 11, Shteyn teaches a communications system comprising at least one beacon device (Fig. 1, item 104) capable of wireless message transmission and at least one portable device (Fig. 1, item 108) capable of receiving such a message transmission, wherein the beacon is arranged to broadcast a series of inquiry messages each in the form of a plurality of predetermined data fields arranged according to a first communications protocol (Col. 3, lines 1-9 and Col. 4, lines 6-12).

Shteyn does not teach the beacon is further arranged to add to each inquiry message prior to transmission an additional data field, and wherein the at least one portable device is arranged to receive the transmitted inquiry messages and read data from said additional data field, the additional data field including location information. However Evans teaches the beacon is further arranged to add to each inquiry message

prior to transmission an additional data field, and wherein the at least one portable device is arranged to receive the transmitted inquiry messages and read data from said additional data field, the additional data field including location information (Col. 17, lines 10-24 and Col. 4, lines 11-21). Evan teaches a method for triggering the registration of the location of a mobile cellular communications device and select expandable data acquired from various data sources. Different locations can be communicated to a single location. The data source includes long-haul truck tracking. The truck company desire to monitor various aspects of trucks that are in transit and are scattered all over the country. The data collection system could keep track of the truck's location at all times. The expandable data record includes an additional field to conventional data field. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Evan's additional data field feature into Shteyn's system in order to add to each inquiry message an additional location data field prior to transmission. This technology is very popular in communication field.

Regarding claims 2-3 and 12-13, Shteyn does not teach the beacon is arranged to add said additional data field at the end of a respective inquiry message wherein the beacon is arranged to include an indication in one of said predetermined data fields, said indication denoting the presence of said additional data field. However, Evan teaches the beacon is arranged to add said additional data field at the end of a respective inquiry message wherein the beacon is arranged to include an indication in one of said predetermined data fields (Col. 16, lines 59-65).

Regarding claims 4 and 14, Shteyn further teaches a system as claimed in Claim 1, wherein said first communications protocol comprises Bluetooth messaging (Col. 3, lines 50-51).

Regarding claims 5 and 7, Shteyn further teaches a system as claimed in claim 4, wherein a special Dedicated Inquiry Access Code (DIAC) is used to indicate the presence of location information in the additional data field. Wireless messaging system employs frequency hopping, and further wherein location data is sent on each frequency used for inquiry message broadcasts (Col. 3, lines 62- Col. 4, lines 17).

Regarding claim 6, Shteyn does not teach a system as claimed in claim 1, wherein the presence of location information in the additional data field is indicated with header information appearing in the additional data field. However, Evan teaches wherein the presence of location information in the additional data field is indicated with header information appearing in the additional data field (Col. 17, lines 18-24 and Col. 4, lines 19-21).

Regarding claim 9, Shteyn further teaches a device as claimed in Claim 8, wherein the receiver is configured to receive messages according to Bluetooth protocols (Col. 3, lines 36-39).

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***Response to Arguments***

3. Applicant's arguments with respect to claims 1- 14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

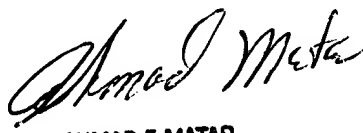
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 571-272-7487.

The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL  
October 17, 2005

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
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